

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:	)	
	)	Chapter 11
INVACARE CORPORATION, <i>et al.</i> , <sup>1</sup>	)	
	)	Case No. 23-90068 (CML)
Debtors.	)	(Jointly Administered)
	)	

**STIPULATION REGARDING  
CERTAIN REPORTING DEADLINES**

The above-captioned debtors and debtors in possession (the “Debtors”), the Office of the United States Trustee for the Southern District of Texas (the “U.S. Trustee”), the Official Committee of Unsecured Creditors, Highbridge Capital Management, LLC and the ad hoc group of holders of the Debtors’ unsecured convertible notes (together, the “Parties”) hereby stipulate and agree as follows (this “Stipulation”):

**WHEREAS**, on February 1, 2023, the Court entered certain first-day orders (together, the “Orders”), which include certain reporting obligations for the Debtors; and

**WHEREAS**, the Parties desire to enter into this Stipulation to clarify certain reporting obligations in the Orders.

**NOW, THEREFORE**, it is hereby stipulated and agreed to by and among the Parties as follows:

1. The Debtors’ monthly operating reports (the “Monthly Operating Reports”) shall be filed on the last day of each month of the chapter 11 cases for the previous month until plan confirmation. Hereafter, the last day of each month of the chapter 11 cases until plan confirmation

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Invacare Corporation (0965); Freedom Designs, Inc. (4857); and Adaptive Switch Laboratories, Inc. (6470). The corporate headquarters and the mailing address for the Debtors is 1 Invacare Way, Elyria, Ohio 44035.

shall be referred to as the “Reporting Deadline”.

2. The Debtors shall file or otherwise provide copies to the appropriate Parties of the following on or before each month’s Reporting Deadline:

- The matrix / schedule of payments directly or indirectly made pursuant to the terms of the Critical Vendors Interim Order,<sup>2</sup> as contemplated by paragraph 10 therein;
- The matrix / schedule of payments made pursuant to Non-Insider Incentive Plan and the Non-Insider Severance Obligations, as contemplated by paragraph 6 of the Wages Order,<sup>3</sup>
- The matrix / schedule of payments made pursuant to the Taxes Order,<sup>4</sup> as contemplated by paragraph 5 therein,
- The matrix / schedule of payments made pursuant to the Insurance Order,<sup>5</sup> as contemplated by paragraph 12 therein,
- The Summary Report related to Intercompany Transactions, as contemplated by paragraph 13 of the Cash Management Order,<sup>6</sup> and
- The matrix / schedule of payments / obligations / adjustments related to the rebates and

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<sup>2</sup> *Interim Order (I) Authorizing the Debtors to Pay Certain Prepetition Claims of Critical Vendors, and (II) Granting Related Relief* [Docket No. 78] (the “Critical Vendors Interim Order”).

<sup>3</sup> *Order (I) Authorizing the Debtors to Pay Prepetition Wages and Compensation, (II) Authorizing the Continuation of Employee Benefit Programs, (III) Authorizing Banks to Honor and Process Checks and Transfers Related to Employee Obligations, and (IV) Granting Related Relief* [Docket No. 88] (the “Wages Order”).

<sup>4</sup> *Order (I) Authorizing the Payment of Certain Prepetition Taxes and Related Obligations and (II) Granting Related Relief* [Docket No. 87] (the “Taxes Order”).

<sup>5</sup> *Order (I) Authorizing the Debtors to (A) Continue Their Insurance Program and Insurance Premium Finance Program (B) Renew, Supplement, Modify, Extend, Terminate, or Purchase Insurance Policies, and (C) Pay All Related Prepetition and Postpetition Obligations, and (II) Granting Related Relief* [Docket No. 82] (the “Insurance Order”).

<sup>6</sup> *Final Order: (A) Authorizing the Debtors to: (I) Continue to Use Their Centralized Cash Management System; (II) Open and Close Bank Accounts; (III) Maintain Existing Business Forms and Books and Records; and (IV) Perform and Continue Intercompany Transactions and Granting Administrative Expense Priority Status to Certain Intercompany Transactions; (B) Partially Waiving the Requirements of 11 U.S.C. § 345(b); (C) Authorizing Banks to Honor Certain Related Prepetition Obligations; and (D) Granting Related Relief* [Docket No. 276] (the “Cash Management Order”).

refunds made pursuant to the Customer Programs Order,<sup>7</sup> as contemplated by paragraph 8 therein.

3. For the avoidance of doubt, this Stipulation only changes the timing of certain of the Debtors' reporting obligations. It does not alter or change the parties to whom the reporting obligations must be made or the type of information that must be reported.

4. The terms and conditions of this Stipulation shall be immediately effective and enforceable upon its entry.

5. The Bankruptcy Court retains sole and exclusive jurisdiction to enforce the provisions of this Stipulation.

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<sup>7</sup> Order (I) Authorizing the Debtors to (A) Maintain and Administer Their Customer Programs and (B) Honor Certain Prepetition Obligations Related Thereto, and (II) Granting Related Relief [Docket No. 85] (the "Customer Programs Order").

Houston, Texas

Dated: March 7, 2023

/s/ Matthew D. Cavanaugh

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